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DNR-FS-2020-07

SMALL BUSINESS COMPLIANCE GUIDE
Amendment to Subtitle 02 Fisheries Service
Regarding the Department's Regulations for Striped Bass
COMAR 08.02.15.12
Released October 19, 2020

This Guide is prepared in accordance with the requirements of State Government Article, §10-110, Annotated Code of Maryland. It is intended to help small businesses comply with the revised rules adopted in the above-referenced sections of the Code of Maryland Regulations. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small businesses, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply.

The Department will clarify or update the text of the Guide as an idea moves through the regulatory process. Direct your comments and recommendations, or calls for further assistance, to Fishing and Boating Services Regulatory Division:

410-260-8300
410-260-8DNR; toll free in Maryland 877-620-8DNR; TTY Users Call via the Maryland Relay
Fax: 410-260-8310

I. SUMMARY & FAQs

What is being considered?

The department is considering:

- 1) Three options for the recreational in-season closure period; and
- 2) Creating a definition for target.

The department adopted regulations to implement reductions required by the Atlantic States Marine Fisheries Commission (ASMFC) earlier this year, however the in-season closure period for the recreational fishery was only for the year 2020 and needs to be updated for the future.

During a closure period, anglers would not be allowed to target striped bass. Target means to catch or attempt to catch striped bass or striped bass hybrids. Anglers would still be allowed to fish for other species, but all efforts must be made to avoid interacting with striped bass during the closure period. If the season is closed, you may not land striped bass in Maryland, regardless of where they were caught.

For the time periods considered, all dates are inclusive. This means in the case of a closure from July 16 through July 31, both July 16 and July 31 would be closed.

The options:

- 1) July 16 through July 31
- 2) July 23 through August 7
- 3) August 16 through August 31

Why is this change necessary?

The 2018 benchmark stock assessment for striped bass indicated the striped bass stock is overfished and experiencing overfishing. Based on these findings, the Atlantic States Marine Fisheries Commission (ASMFC) determined that conservation measures are needed. Addendum VI to Amendment 6 to the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Striped Bass (Addendum) was finalized by ASMFC in October of 2019. The conservation goal set by ASMFC is to reduce the total number of striped bass that are killed by fishing activities. This means reducing the number of fish that are harvested and the number of fish that die after being caught and returned to the water, known as dead discards.

The department adopted regulations to implement reductions required by the Addendum, however the in-season closure period for the recreational fishery was only for the year 2020 and needs to be updated for the future.

A closure period is needed to reduce dead discards during the summer when water quality conditions in the Chesapeake Bay increase this mortality. Striped bass require cool, well oxygenated water to thrive. During the summer months, as water temperatures increase and oxygen conditions worsen, striped bass become more stressed. With peak Bay water temperatures occurring in mid to late July, the amount of cool, oxygenated striped bass habitat is at its lowest point. Over the last ten years (2010-2019), Bay water conditions in Maryland have been especially poor during the months of July and August. Stressful conditions have worsened

in recent years with both hotter than average water temperatures and worse than average oxygen conditions occurring over 55% of the time in July and 45% of the time in August.

The definition of target is not currently in regulation. The regulation states what is prohibited during the closure. Since the common terminology is target, it would be clearer if a definition is created in regulation.

This action will ensure Maryland's compliance with the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Atlantic Striped Bass.

Who will this affect?

The changes apply to recreational anglers, charter boats, and tackle shops.

Where do the rules apply?

The rules would apply to the Chesapeake Bay and its tidal tributaries, including the tributaries of the Potomac River.

Has this change been discussed with advisory commissions?

The idea was discussed with the Sport Fisheries Advisory Commission and Tidal Fisheries Advisory Commission at their October 2020 meetings.

What is the specific regulatory action?

Amend Regulation .12 under COMAR 08.02.15 Striped Bass.

II. DEFINITIONS

"Target" means to catch or attempt to catch striped bass or striped bass hybrids.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

This action does not create new permit, recordkeeping, or reporting requirements.

IV. IMPLEMENTATION DATE

The department expects this change to be effective in the spring of 2021, however the exact date cannot be determined. The department will follow our normal scoping and proposal procedures.

This idea is in the scoping process (October 19—November 3). The goal of scoping is to identify issues, potential impacts, and reasonable alternatives associated with the issues so that management actions can be developed. After the public has had an opportunity to comment on possible management actions during the scoping process, the department considers these comments and develops an appropriate management strategy.

If the action is necessary and appropriate, the rules will be promulgated following the Administrative Procedures Act described in Title 10, Subtitle 1 of the State Government Article Annotated Code of Maryland.

- The General Assembly's Administrative, Executive, and Legislative Review Committee reviews the regulatory proposal for fiscal and legal analysis.
- The proposal is printed by the Division of State Documents in the Maryland Register.
- A 30 day public comment period begins on the day of publication.
- After review of the comments, the department may adopt the changes.
- If the department adopts the changes, they become effective after a notice is published in the Maryland Register that announces approval and the effective date.

V. ADDITIONAL INFORMATION AND LINKS

ASMFC [Addendum VI to the Interstate Fishery Management Plan for Atlantic Striped Bass](http://www.asmfc.org/uploads/file/5dd447baStripedBassAddendumVI_Amend6_Oct2019.pdf)
http://www.asmfc.org/uploads/file/5dd447baStripedBassAddendumVI_Amend6_Oct2019.pdf

Regulations for striped bass can be found in the Code of Maryland Regulations [Chapter 15](http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=08.02.15.*)
http://www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=08.02.15.*